

Morella	Rodriguez	Solomon
Myrick	Roemer	Spence
Nadler	Rogan	Stabenow
Nethercutt	Rogers	Stearns
Neumann	Rohrabacher	Stenholm
Ney	Ros-Lehtinen	Stokes
Northup	Rothman	Strickland
Norwood	Roukema	Stump
Nussle	Royce	Sununu
Oberstar	Ryun	Talent
Ortiz	Salmon	Tanner
Oxley	Sanders	Tauscher
Packard	Sandlin	Tauzin
Pappas	Sanford	Taylor (MS)
Parker	Sawyer	Taylor (NC)
Pascarella	Saxton	Thomas
Paul	Scarborough	Thornberry
Paxon	Schaefer, Dan	Thune
Pease	Schaffer, Bob	Tiahrt
Peterson (PA)	Schumer	Tierney
Petri	Sensenbrenner	Traficant
Pickering	Serrano	Turner
Pombo	Sessions	Upton
Pomeroy	Shadegg	Visclosky
Porter	Shaw	Walsh
Portman	Shays	Wamp
Poshard	Sherman	Waters
Price (NC)	Shimkus	Watkins
Pryce (OH)	Shuster	Watt (NC)
Quinn	Sisisky	Watts (OK)
Radanovich	Skaggs	Weldon (FL)
Rahall	Skeen	Weller
Ramstad	Smith (MI)	Wexler
Rangel	Smith (NJ)	White
Redmond	Smith (OR)	Wicker
Regula	Smith (TX)	Wolf
Reyes	Smith, Linda	Wynn
Riggs	Snowbarger	Young (FL)
Rivers	Snyder	

NOT VOTING—21

Barcia	Foglietta	Schiff
Carson	Gonzalez	Souder
Collins	Jefferson	Vento
Cubin	McKinney	Weldon (PA)
Everett	Meehan	Whitfield
Ewing	Neal	Yates
Flake	Riley	Young (AK)

So the motion to adjourn was not agreed to.

127.39 COMMUNIST CHINA SUBSIDY REDUCTION

Mr. SOLOMON, pursuant to House Resolution 302, called up the bill (H.R. 2605) to require the United States to oppose the making of concessional loans by international financial institutions to any entity in the People's Republic of China.

When said bill was considered and read twice.

Pursuant to House Resolution 302, the following amendments printed in part 5 of House Report 105-379 were considered as agreed to:

At the end insert the following new section:

SEC. 4. PRINCIPLES THAT SHOULD BE ADHERED TO BY ANY UNITED STATES NATIONAL CONDUCTING AN INDUSTRIAL COOPERATION PROJECT IN THE PEOPLE'S REPUBLIC OF CHINA.

(a) PURPOSE.—It is the purpose of this section to create principles governing the conduct of industrial cooperation projects of United States nationals in the People's Republic of China.

(b) STATEMENT OF PRINCIPLES.—It is the sense of the Congress that any United States national conducting an industrial cooperation project in the People's Republic of China should:

(1) Suspend the use of any goods, wares, articles, or merchandise that the United States national has reason to believe were mined, produced, or manufactured, in whole or in part, by convict labor or forced labor, and refuse to use forced labor in the industrial cooperation project.

(2) Seek to ensure that political or religious views, sex, ethnic or national back-

ground, involvement in political activities or nonviolent demonstrations, or association with suspected or known dissidents will not prohibit hiring, lead to harassment, demotion, or dismissal, or in any way affect the status or terms of employment in the industrial cooperation project. The United States national should not discriminate in terms or conditions of employment in the industrial cooperation project against persons with past records of arrest or internal exile for nonviolent protest or membership in unofficial organizations committed to non-violence.

(3) Ensure that methods of production used in the industrial cooperation project do not pose an unnecessary physical danger to workers and neighboring populations or property, and that the industrial cooperation project does not unnecessarily risk harm to the surrounding environment; and consult with community leaders regarding environmental protection with respect to the industrial cooperation project.

(4) Strive to establish a private business enterprise when involved in an industrial cooperation project with the Government of the People's Republic of China or other state entity.

(5) Discourage any Chinese military presence on the premises of any industrial cooperation projects which involve dual-use technologies.

(6) Undertake to promote freedom of association and assembly among the employees of the United States national. The United States national should protest any infringement by the Government of the People's Republic of China of these freedoms to the International Labor Organization's office in Beijing.

(7) Provide the Department of State with information relevant to the Department's efforts to collect information on prisoners for the purposes of the Prisoner Information Registry, and for other reporting purposes.

(8) Discourage or undertake to prevent compulsory political indoctrination programs from taking place on the premises of the industrial cooperation project.

(9) Promote freedom of expression, including the freedom to seek, receive, and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any media. To this end, the United States national should raise with appropriate authorities of the Government of the People's Republic of China concerns about restrictions on the free flow of information.

(10) Undertake to prevent harassment of workers who, consistent with the United Nations World Population Plan of Action, decide freely and responsibly the number and spacing of their children; and prohibit compulsory population control activities on the premises of the industrial cooperation project.

(c) PROMOTION OF PRINCIPLES BY OTHER NATIONS.—The Secretary of State shall forward a copy of the principles set forth in subsection (b) to the member nations of the Organization for Economic Cooperation and Development and encourage them to promote principles similar to these principles.

(d) REGISTRATION REQUIREMENT.—

(1) IN GENERAL.—Each United States national conducting an industrial cooperation project in the People's Republic of China shall register with the Secretary of State and indicate that the United States national agrees to implement the principles set forth in subsection (b). No fee shall be required for registration under this subsection.

(2) PREFERENCE FOR PARTICIPATION IN TRADE MISSIONS.—The Secretary of Commerce shall consult the register prior to the selection of private sector participants in any form of trade mission to China, and un-

dertake to involve those United States nationals that have registered their adoption of the principles set forth above.

(e) DEFINITIONS.—As used in this section—
(1) the term "industrial cooperation project" refers to a for-profit activity the business operations of which employ more than 25 individuals or have assets greater than \$25,000; and

(2) the term "United States national" means—

(A) a citizen or national of the United States or a permanent resident of the United States; and

(B) a corporation, partnership, or other business association organized under the laws of the United States, any State or territory thereof, the District of Columbia, the Commonwealth of Puerto Rico, or the Commonwealth of the Northern Mariana Islands.

At the end insert the following new section:

SEC. 5. PROMOTION OF EDUCATIONAL, CULTURAL, SCIENTIFIC, AGRICULTURAL, MILITARY, LEGAL, POLITICAL, AND ARTISTIC EXCHANGES BETWEEN THE UNITED STATES AND CHINA.

(a) EXCHANGES BETWEEN THE UNITED STATES AND CHINA.—Agencies of the United States Government which engage in educational, cultural, scientific, agricultural, military, legal, political, and artistic exchanges shall endeavor to initiate or expand such exchange programs with regard to China.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that a federally chartered not-for-profit organization should be established to fund exchanges between the United States and China through private donations.

After debate,

Pursuant to House Resolution 302, the previous question was ordered.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

Mr. TAYLOR of Mississippi moved to recommit the bill to the Committee on Ways and Means with instructions to report the bill back to the House forthwith with the following amendment:

At the end of the bill insert the following:

SEC. 4. QUARTERLY ADJUSTMENT OF TARIFFS ON PRODUCTS OF THE PEOPLE'S REPUBLIC OF CHINA.

(A) QUARTERLY DETERMINATIONS BY SECRETARY OF THE TREASURY.—The Secretary of the Treasury shall determine, at the end of each calendar quarter—

(1) the dollar amount of tariffs paid to the People's Republic of China during that quarter by persons for exporting goods and services from the United States to the People's Republic of China; and

(2) the dollar amount of tariffs paid to the United States during that quarter by persons for importing goods and services from the People's Republic of China into the United States.

(b) ADJUSTMENT OF TARIFFS.—Notwithstanding any other provision of law, the Secretary of the Treasury shall adjust the tariffs on all products of the People's Republic of China so that an amount is collected on imports of products of the People's Republic of China, during the 3-month period beginning 30 days after the end of the calendar quarter for which a determination is made under subsection (a), equal to the amount by which the dollar amount computed under paragraph (1) of subsection (a) exceeds the dollar amount computed under paragraph (2) of subsection (a).

Pending consideration of said motion,

¶127.40 POINT OF ORDER

Mr. SOLOMON made a point of order against the motion to recommit with instructions, and said:

"Mr. Speaker, I make a point of order against the motion to recommit with instructions.

"Mr. Speaker, the motion to recommit with instructions is not germane to this underlying bill. The fundamental purpose, or common thread, of the bill is very narrow and only concerns concessional loans to China. The range of methods employed in the bill is similarly narrow, and the bill is within the jurisdiction of the Committee on Banking and Finance.

"The motion, however, deals with the reciprocal tariff treatment of products of China. This is clearly not within the very narrow purpose of this bill. The issue of tariffs is also outside the range of methods employed in this bill and contains matter within the jurisdiction of the Committee on Ways and Means.

"There has been a protocol under previous Democrat leadership and Republican leadership today that amendments of this nature which would either raise or lower tariffs or raise or lower taxes are not allowed in motions to recommit on the floor. They must clear with the Committee on Ways and Means first.

Therefore, the motion to recommit with instructions is not germane, and I urge the Chair to sustain the point of order."

Mr. TAYLOR of Mississippi was recognized to speak to the point of order, and said:

"Mr. Speaker, as much as any Member of this body lives and breathes, this amendment is very much germane. Mr. SOLOMON'S bill does one thing. It directs the Secretary of the Treasury to kind of something, do something about the Chinese Communists. My amendment directs the Secretary of the Treasury to do something about the gross injustice between what the Communist Chinese charge American products when our products go to their country and the fact that they only pay 2 percent when they come to ours. Why are we doing this? Why were there 5 votes in the past 2 days? It is because they force abortions, it is because they are thugs, they do not have religious freedom, they do not have political freedom. They are selling missiles and weapons to our enemies. They are buying ports on both ends of the Panama Canal.

"Mr. Speaker, as I said, every bill that we have voted on is trying to affect Chinese policy. This bill is asking the Secretary of the Treasury to take steps to affect Chinese policy. My amendment asks the Secretary of the Treasury to take substantial, realistic steps to affect Chinese policy. We are only going to get one last chance this session to do something substantive. As I have pointed out, the Committee on Rules has voted against bills that they are cosponsors of.

"Mr. Speaker, I am asking the Members of this House to do what each of us begged for the opportunity to do every other year, and, that is, stand up for the rights of the American citizens, to strike a blow against the thugs when we get the chance. Tonight we have a chance. Tonight we can decide that we will have some lame excuse and go back and tell the constituents of each of our individual districts, that, "Dog-gone it, we couldn't do anything about those Chinese thugs because the Rules Committee said we weren't germane." Or we can say that there are some things more important than the rules of the House in the integrity of this Nation, simple things like right and wrong, simple fairness for the American working people. That is more important than the rules of the House that can be changed at any moment. That is what I am asking Members of this body to vote on, and that is why I am asking Members to vote against tabling this motion and then turn around to vote for this motion to recommit so that all of these things that have done nothing will at least be followed up by a measure that does something for the people of America and gets the attention of the thugs in Peking."

The SPEAKER pro tempore, Mr. BLUNT, sustained the point of order, and said:

"The gentleman from New York [Mr. SOLOMON] makes the point of order that the amendment proposed in the motion to recommit is not germane.

"The test of germaneness in this situation is the relationship of the amendment proposed in the motion to recommit to the provisions of the bill as a whole.

"The bill, H.R. 2605, provides that the Secretary of Treasury instruct the United States Executive Directors to oppose concessional loans at each international financial institution to the People's Republic of China, any citizen or national of the People's Republic of China, or any entity established in the People's Republic of China.

"The amendment proposed in the motion to recommit would amend the tariff schedules of the United States to achieve reciprocity between the aggregate amount of Chinese tariffs on American products and the aggregate amount of American tariffs on Chinese products.

"As noted in section 798c of the House Rules and Manual, to be germane an amendment should address the same legislative jurisdiction as is addressed in the bill. Here, although the bill addresses the jurisdiction of the Committee on Banking and Financial Services, the amendment addresses the jurisdiction of the Committee on Ways and Means.

"On this basis, the Chair finds that the amendment is a "proposition on a subject different from that under consideration" within the meaning of clause 7 of rule XVI. That is, the amendment is not germane. The point of order is sustained. The motion to recommit is not in order."

Mr. TAYLOR of Mississippi appealed the ruling of the Chair.

The question being put, viva voce,

Will the decision of the Chair stand as the judgment of the House?

Mr. COX moved to lay the appeal on the table.

The question being put, viva voce,

Will the House lay on the table the appeal of the ruling of the Chair?

The SPEAKER pro tempore, Mr. BLUNT, announced that the yeas had it.

Mr. TAYLOR of Mississippi objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 4, rule XV, and the call was taken by electronic device.

When there appeared { Yeas 220
Nays 192

¶127.41

[Roll No. 604]

YEAS—220

Aderholt	Fox	Metcalfe
Archer	Franks (NJ)	Mica
Armey	Frelinghuysen	Miller (FL)
Bachus	Gallegly	Moran (KS)
Baker	Ganske	Morella
Ballenger	Gekas	Myrick
Barrett (NE)	Gibbons	Nethercutt
Bartlett	Gilchrest	Neumann
Barton	Gillmor	Ney
Bass	Gilman	Northup
Bateman	Goodlatte	Norwood
Bereuter	Goodling	Nussle
Bilbray	Goss	Oxley
Bilirakis	Graham	Packard
Bliley	Greenwood	Pappas
Blunt	Gutknecht	Parker
Boehlert	Hamilton	Paul
Bonilla	Hansen	Paxon
Bono	Hastert	Pease
Brady	Hastings (WA)	Peterson (PA)
Bryant	Hayworth	Petri
Bunning	Hefley	Pickering
Burr	Herger	Pitts
Burton	Hill	Pombo
Buyer	Hilleary	Porter
Callahan	Hobson	Portman
Calvert	Hoekstra	Pryce (OH)
Camp	Horn	Quinn
Campbell	Hostettler	Radanovich
Canady	Houghton	Ramstad
Cannon	Hulshof	Redmond
Castle	Hunter	Regula
Chabot	Hutchinson	Riggs
Chambliss	Hyde	Rogan
Chenoweth	Inglis	Rogers
Christensen	Istook	Rohrabacher
Coble	Jenkins	Ros-Lehtinen
Coburn	Johnson (CT)	Roukema
Collins	Johnson, Sam	Royce
Combest	Jones	Ryun
Cook	Kasich	Salmon
Cooksey	Kelly	Sanford
Cox	Kim	Saxton
Crane	King (NY)	Scarborough
Crapo	Kingston	Schaefer, Dan
Cunningham	Klug	Schaffer, Bob
Davis (VA)	Knollenberg	Sensenbrenner
Deal	Kolbe	Sessions
DeLay	LaHood	Shadegg
Diaz-Balart	Largent	Shaw
Dickey	Latham	Shays
Doolittle	Lazio	Shimkus
Dreier	Leach	Shuster
Duncan	Lewis (CA)	Skaggs
Dunn	Lewis (KY)	Skeen
Ehlers	Linder	Smith (MI)
Ehrlich	Livingston	Smith (NJ)
Emerson	LoBiondo	Smith (TX)
English	Lucas	Smith, Linda
Ensign	Manzullo	Snowbarger
Everett	McCollum	Solomon
Ewing	McCrery	Souder
Fawell	McDade	Spence
Foley	McHugh	Stearns
Forbes	McInnis	Stump
Fossella	McIntosh	Sununu
Fowler	McKeon	Talent